



July 23, 2019

Freddy Martinez  
MuckRock News  
DEPT MR 76456  
411A Highland Ave  
Somerville, MA 02144-2516  
[76456-46546966@requests.muckrock.com](mailto:76456-46546966@requests.muckrock.com)

**Re: Public Records Request**

Dear Mr. Martinez:

I am in receipt of your Public Records Act request received on July 10, 2019. Please find the following responses to your requests:

**RE:** *Records and materials related to the solicitation, acquisition, and use of face recognition technology and related software and services.*

*This software or services may be provided by Rekognition, Face++, and FaceFirst; this request is applicable to these and any other company providing facial, recognition services under consideration or contract with this agency.*

*Please limit the search to records produced from January 1, 2017 - present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials.*

*Responsive materials include but are not limited to:*

**Request 1:** *Agreements: contracts (including non-disclosure agreements), licensing agreements, nondisclosure agreements.*

**SJPD Response 1:** The Department does not have records responsive to this request.

**Request 2:** *Bid records: Requests For Proposal (or equivalent calls for bids), sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in consideration and selection of the technology in question.*

**SJPD Response 2:** The Department does not have records responsive to this request.

**Request 3:** *Company relations and communications: records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing face recognition to this agency for immigration, intelligence, law enforcement, or other use.*

**SJPD Response 3:** Please find the attached responsive records that were compiled in response to a previous public records request:

- Attachment 1\_Communication\_facial recognition\_redacted
- Attachment 2\_Communications\_facial recognition\_additional

Personal identifying information contained within Attachment 1 has been redacted. Personal identification information is protected from public disclosure under the right to privacy in Article 1 of the California Constitution and therefore is exempt from public disclosure under Government Code 6254(k).

**Request 4:** *Financial records: purchase orders, invoices, and other memoranda and documentation.*

**SJPD Response 4:** The Department does not have records responsive to this request.

**Request 5:** *Marketing records: All marketing materials - unsolicited, requested, or otherwise - acquired from vendors of face recognition technology.*

**SJPD Response 5:** Please see Response #3.

**Request 6:** *Policy records: any policy directives, guidance documents, memoranda, training materials, or similar records governing the use of face recognition technology for immigration, law enforcements, or other purposes.*

**SJPD Response 6:** The Department does not have records responsive to this request.

**Request 7:** *Training records: training materials governing the use, sharing, or access, to any related data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology. Documents, should they exist, about training for bias, in the use of facial recognition technology.*

**SJPD Response 7:** The Department does not have records responsive this request.

**Request 8:** *Use of function records: Materials that describe the function of the software considered or in use by this agency, including emails, handouts, PowerPoint presentations, advertisements, or specification documents.*

**SJPD Response 8:** Please see Response #3.

**Request 9:** *Data: Documents sufficient to describe the source of photos for facial recognition which may include your agency booking photos, other agency booking photos as well as DMV photos. Documents sufficient to show the number of photos in your facial recognition. Documents describing where your agencies use facial recognition technology including at county jails, on body worn cameras, fixed surveillance cameras etc.*

**SJPD Response 9:** The Department does not have records responsive this request.

For questions regarding this response, please contact Veronica Morales, Office of the Chief Executive Officer, Research and Development Unit at (408) 537-1657 or [veronica.morales@sanjoseca.gov](mailto:veronica.morales@sanjoseca.gov).

If you would like to appeal this response, please submit your appeal to:

Open Government Manager  
City of San Jose, Office of the City Manager  
200 East Santa Clara Street  
San Jose, CA 95113  
[PublicRecordsRequest@sanjoseca.gov](mailto:PublicRecordsRequest@sanjoseca.gov)

Or City of San Jose, Office of the City Clerk  
200 East Santa Clara Street  
San Jose, CA 95113  
[cityclerk@sanjoseca.gov](mailto:cityclerk@sanjoseca.gov)

Sincerely,

Edgardo Garcia  
Chief of Police

By Veronica Morales  
Research and Development Unit

EG:VM  
Attachments (2)